

Estonia: Implementation of the Representative Actions Directive

Act amending the Code of Civil Procedure and other Acts (creation of a representative action procedure) (Tsiviilkohtumenetluse seadustiku ja teiste seaduste muutmise seadus)

Estonia transposed the Representative Actions Directive through a single amending Act adopted by the *Riigikogu* (Parliament) on 18 December 2024, published on 31 December 2024 and in force from 1 January 2025. The Code of Civil Procedure serves as the primary text. However, amendments were also made to the Consumer Protection Act, the Financial Supervision Authority Act, the Personal Data Protection Act, the Statutory Fees Act, the General Part of the Civil Code Act and related implementation statutes. The competent authorities for the purposes of the transposition are the courts, the Ministry of Economy and Industry, the Financial Supervision Authority, the Consumer Protection and Technical Regulatory Authority, and the Data Protection Authority.

Before this Act, certain bodies held standing to seek injunctive relief in limited sectoral contexts, but no mechanism existed for determining individual remedies within collective proceedings; the Act is the first instrument of Estonian law to combine injunctive and compensatory redress within a single collective procedure.

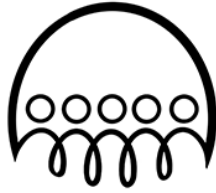
Estonia has implemented the Directive in a manner that exceeds its minimum requirements. The material scope covers infringements affecting the collective interests of consumers and data subjects generally, rather than by strictly reflecting the current Annex I instruments. Protection is also extended to data subjects, beyond a solely consumer-focused scope.

Qualified entities with standing to bring actions are those included on a list established by Ministerial Regulation, in addition to the Consumer Protection and Technical Regulatory Authority, the Financial Supervision Authority and the Data Protection Inspectorate. Cross-border qualified entities on the Commission's list may also bring proceedings. There is a late opt-in model for consumer participation: rather than joining at the outset, consumers may choose to participate only once the court has found an infringement and determined the available remedies. Following a finding, consumers meeting the prescribed criteria are given a period of approximately three months to submit individual claims, with the qualified entity responsible for enforcement on their behalf. At the injunctive and declaratory stage, the qualified entity bears no burden of proving individual loss or trader fault. Third-party funding is available subject to safeguards against conflicts of interest, with the funder only entitled to a maximum 30% share of compensation.

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OBSERVATOIRE DES ACTIONS DE GROUPE
et autres Actions Collectives

See: Code of Civil Procedure (as amended): <https://www.riigiteataja.ee/akt/131122024041>

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